
II REPORTING REQUIREMENTS UNDER THE CLEAN WATER ACT SECTIONS 303(d), 305(b), 314 AND CORRESPONDING REGULATIONS

EPA strongly encourages states to submit a single report (the Integrated Report) that satisfies the reporting requirements of CWA sections 303(d), 305(b) and 314. A summary of states' reporting requirements for each of these sections and corresponding regulations is provided below:

Section 303(d) – by April 1 of all even numbered years, a list of impaired and threatened³ waters still requiring TMDLs; identification of the impairing pollutant(s); and priority ranking of these waters, including waters targeted for TMDL development within the next two years.

Section 305(b) – by April 1 of all even numbered years, a description of the water quality of all waters of the state (including, rivers/stream, lakes, estuaries/oceans and wetlands). States may also include in their section 305(b) submittal a description of the nature and extent of ground water pollution and recommendations of state plans or programs needed to maintain or improve ground water quality.

Section 314 – in each section 305(b) submittal, an assessment of status and trends of significant publicly owned lakes including extent of point source and nonpoint source impacts due to toxics, conventional pollutants, and acidification.

A more detailed description of states' reporting requirements under sections 305(b), 303(d) and 314 and corresponding regulations is provided in Table 2-1.

Integrated Reports that satisfy the reporting requirements of sections 303(d), 305(b) and 314 also satisfy the 305(b) reporting requirement for section 106 grant funds. For states to be eligible for section 106 grant funds, section 106(e)(1) requires that states must have the means to monitor water quality (including “navigable waters and to the extent practicable, ground waters”) and annually update water quality data and include it in their section 305(b) submittals. Under Agency policy, EPA will not award any section 106 funding under a section 106 grant or a performance partnership grant (PPG) to any state that has not annually updated its monitoring data and submitted the most recent report required under section 305(b) (Note that tribal recipients have different requirements). Annual updates to the STORage and RETrieval (STORET) national warehouse satisfy the conditions of the section 106(e)(1) annual update for the purposes of receiving section 106 funds (*FY 2001 Clean Water Act Section 106 Guidance*, February 16, 2001 <http://www.epa.gov/owm/rmes/section106priorities.pdf>).

Integrated Reports that satisfy the reporting requirements of sections 303(d), 305(b) and 314 may also be used to satisfy the water quality report requirement for section 205(j) grant funds. CWA section 205(j) requires states to determine the nature, extent, and causes of water quality problems in various areas of the state and interstate region, and report on these annually. CWA regulations provide that in the

³ *Threatened waters* States may define “threatened waters” in their assessment and listing methodologies. EPA recommends that states consider as threatened those waters that are currently attaining WQSs, but which are expected to not meet WQSs by the next listing cycle (every two years). For example, segments should be listed if the analysis demonstrates a declining trend in a specific water quality criteria (WQC), and the projected trend will result in a failure to meet a criterion by the date of the next list (i.e., 2008 for purposes of the 2006 assessment cycle); or, segments should be listed if there are proposed activities that will result in WQSs exceedances.

years in which it is prepared, the section 305(b) report satisfies the requirement for the annual water quality report under section 205(j). Furthermore, in years when the section 305(b) report is not required, the state may satisfy the annual section 205(j) report requirement by certifying that the most recently submitted section 305(b) report is current or by supplying an update of the sections of the most recently submitted section 305(b) report which require updating (40 CFR 130.8(d)).

Table 2-1. Summary of State Reporting Requirements Under CWA Sections 303(d), 305(b), and 314, and Corresponding Regulations

Authority	State Reporting Requirement
CWA section 303(d); 40 CFR 130.7	<p>By April 1 of all even numbered years, states must submit to EPA the following information:</p> <ul style="list-style-type: none"> • A list of water quality-limited (impaired and threatened) waters still requiring TMDL(s), pollutants causing the impairment and priority ranking for TMDL development (including waters targeted for TMDL development within the next two years). • A description of the methodology used to develop the list. • A description of the data and information used to identify waters, including a description of the existing and readily available data and information used. • A rationale for any decision to not use any existing and readily available data and information. • Any other reasonable information requested by EPA, such as demonstrating good cause for not including a water or waters on the list.
CWA section 305(b); 40 CFR 130.8	<p>By April 1 of all even numbered years, states must submit to EPA the following information:</p> <ul style="list-style-type: none"> • A description of the water quality of all waters^a in the state and the extent to which the quality of waters provides for the protection and propagation of a balanced population of shellfish, fish, and wildlife and allows recreational activities in and on the water. • An estimate of the extent to which CWA control programs have improved water quality or will improve water quality, and recommendations for future actions necessary and identifications of waters needing action. • An estimate of the environmental, economic and social costs and benefits needed to achieve the objectives of the CWA and an estimate of the date of such achievement. • A description of the nature and extent of nonpoint source pollution and recommendations of programs needed to control each category of nonpoint sources, including an estimate of implementation costs. • An assessment of the water quality of all publicly owned lakes, including the status and trends of such water quality as specified in section 314(a)(1) of the CWA [see below for additional information].

Authority	State Reporting Requirement
CWA section 314	<p>States must submit the following information in their section 305(b) reports:</p> <ul style="list-style-type: none"> • An identification and classification according to eutrophic condition of all publicly owned lakes in such state. • A description of procedures, processes, and methods (including land use requirements), to control sources of pollution of such lakes. • A description of methods and procedures, in conjunction with appropriate federal agencies, to restore the quality of such lakes. • Methods and procedures to mitigate the harmful effects of high acidity, including innovative methods of neutralizing and restoring buffering capacity of lakes and methods of removing from lakes toxic metals and other toxic substances mobilized by high acidity. • A list and description of those publicly owned lakes in such state for which uses are known to be impaired, including those lakes which are known not to meet applicable water quality standards or which require implementation of control programs to maintain compliance with applicable standards and those lakes in which water quality has deteriorated as a result of high acidity that may reasonably be due to acid deposition. • An assessment of the status and trends of water quality in lakes in such state, including but not limited to, the nature and extent of pollution loading from point and nonpoint sources and the extent to which the use of lakes is impaired as a result of such pollution, particularly with respect to toxic pollution.

Note:

^a “Waters of the United States” as defined in 40 CFR 122.2.